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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWIN ERNESTO TORRES,

Defendant and Appellant.

B193375

(Los Angeles County
Super. Ct. No. BA191226)

APPEAL from a judgment of the Superior Court of Los Angeles County,
David M. Mintz, Judge. Dismissed.

John F. Schuck, under appointment by the Court of Appeal, for Defendant and
Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Scott A. Taryle
and David A. Wildman, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant, Edwin Ernesto Torres, appeals from the judgment entered following his conviction, by jury trial, for perjury (Pen. Code, § 118). Sentenced to state prison for two years, Torres contends an error in the abstract of judgment must be corrected. Because the trial court has already amended the abstract of judgment, we will dismiss this appeal as moot.

BACKGROUND

On May 21, 2001, Torres pled no contest to one count of perjury (Pen. Code, § 118) for having submitted a forged certificate of completion to the Department of Motor Vehicles, falsely representing that he had successfully completed a drug and/or alcohol program in order to recover his suspended driver's license. The trial court suspended imposition of sentence and put Torres on probation for three years.

Probation was subsequently revoked, reinstated, and then revoked again when Torres committed new offenses. The trial court found, on July 27, 2006, that Torres was in violation of the terms of his probation. On August 1, 2006, the trial court sentenced Torres to the low term of two years in prison.

DISCUSSION

The only issue raised on appeal by Torres is a claim that the abstract of judgment should be corrected because it erroneously stated, in box No.11, that sentence was pronounced on May 21, 2001, when it was actually pronounced on August 1, 2006. The Attorney General's brief on appeal agreed with Torres that the abstract of judgment should be corrected. The trial court, in response to the Attorney General's brief, agreed the abstract of judgment contained a clerical error, prepared an amended abstract of judgment correcting the error, and forwarded a copy to the Department of Corrections.

Because the trial court has already prepared an amended abstract of judgment, Torres's request to correct the abstract is dismissed as moot.

DISPOSITION

The appeal is dismissed as moot.

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KLEIN, P. J.

We concur:

CROSKEY, J.

KITCHING, J.